

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

COURT
OF MASS.

2004 JUL 12 P 5:11

BECTON, DICKINSON AND COMPANY

Plaintiff,

v.

THERASENSE, INC.,

Defendants.

FILED
CLERK'S OFFICE

CIVIL ACTION
NO. 04-10574-JLT

**ASSENTED TO MOTION FOR LEAVE TO EXTEND TIME TO FILE REPLY
BRIEF IN RESPONSE TO PLAINTIFFS' OPPOSITION BRIEF**

Pursuant to Fed. R. Civ. P. Rule 6(b), defendant TheraSense, Inc. ("TheraSense") hereby moves to extend the time to file its Reply Brief to Plaintiffs' Opposition Brief from July 16, 2004 to **Monday, July 19, 2004**. As grounds therefore, TheraSense states as follows:

1. Defendant's lead trial counsel did not receive service of a copy of Plaintiff's Opposition to their Motion, scheduled to be filed on July 2, 2004, until July 5, 2004;
2. The Plaintiffs have assented to the above extension; and
3. There will be no prejudice to any other party from the granting of this extension.

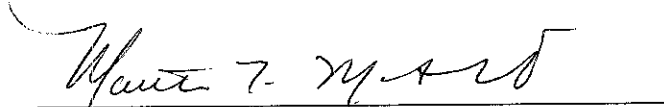
WHEREFORE, TheraSense moves the Court for leave to file its Reply Brief to Plaintiffs Opposition Brief on Monday, July 19, 2004.

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Respectfully submitted,

THERASENSE, INC.

By its attorneys,

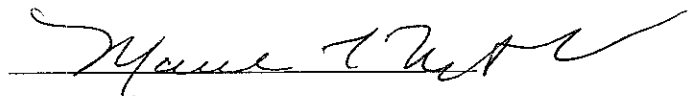


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BINGHAM MCCUTCHEN LLP
150 Federal Street
Boston, MA 02110
(617) 951-8000

Dated: July 12, 2004

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

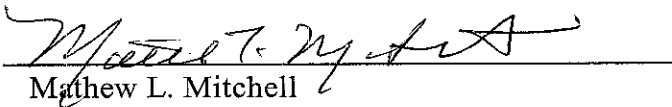
I, Matthew L. Mitchell, hereby certify that counsel for TheraSense has contacted Plaintiff's counsel in an effort to resolve or narrow the issues presented in this motion.



Matthew L. Mitchell

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel for each defendant via facsimile and by hand to Mr. Shannon and Ms. Pirozzolo this 12th day of July, 2004.



Matthew L. Mitchell